

COHEN & GREEN

December 8, 2023

Hon. Eric R. Komitee
Eastern District of New York
United States Courthouse
Room 6G North
225 Cadman Plaza East
Brooklyn, New York 11201

By Electronic Filing

Re: Rayne Valentine v. City of New York, 21-cv-4867 (EK) (VMS)

Your Honor:

I am co-counsel for Plaintiff Rayne Valentine in the above-captioned matter, in which Plaintiff has accepted an offer of judgment pursuant to Fed.R.Civ.P. 68, and the only outstanding issue is the amount of attorney's fees, costs, and expenses to which Plaintiff is entitled. The Court granted in full two previous joint applications for extensions of time within which Plaintiff must move for attorney's fees, costs, and expenses, if necessary. On November 14, 2023, the parties jointly requested a further extension until January 31, 2024, which the Court granted in part and denied in part, adjourning the deadline for Plaintiff to move until next Friday, December 16, 2023. *See* Order dated Nov. 15, 2023.

Since then, the parties have continued to negotiate in good faith. Plaintiff's counsel have submitted timesheets, which defense counsel has evaluated and used to request settlement authority from the Office of the Comptroller. We are optimistic that attorney's fees issue may be settled without the need for the Court to decide an attorney's fees application. However, defense counsel will not be able to obtain authority, and the parties will not be able to engage in any negotiations, before next Friday's deadline to submit the motion.

Additionally, the parties believe that a settlement conference would be beneficial in resolving this final remaining issue. The parties therefore jointly request that the Court (1) refer the remaining matter of attorney's fees, costs, and expenses for a settlement conference before Magistrate Judge Scanlon and (2) adjourn the December 16, 2023 deadline until two weeks after such a settlement conference takes place.

The parties and counsel thank Your Honor for the Court's attention to this matter.

Respectfully submitted,

/s/

Elena L. Cohen
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Co-counsel for Plaintiff



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